

ESTTA Tracking number: **ESTTA311011**

Filing date: **10/12/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Various, Inc.
Granted to Date of previous extension	10/11/2009
Address	220 Humboldt Ct. Sunnyvale, CA 94089 UNITED STATES
Attorney information	Michelle M. Graham Kilpatrick Stockton LLP 31 West 52nd Street New York, NY 10019 UNITED STATES nytrademarks@kilstock.com, migraham@kilpatrickstockton.com Phone:212-775-8700

### Applicant Information

Application No	77477308	Publication date	04/14/2009
Opposition Filing Date	10/12/2009	Opposition Period Ends	10/11/2009
Applicant	Fidfad LLC PO Box 28503 Philadelphia, PA 19149 UNITED STATES		

### Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: On-line social networking services
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2937798	Application Date	09/15/2003
Registration Date	04/05/2005	Foreign Priority Date	NONE
Word Mark	ADULTFRIENDFINDER		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 038. First use: First Use: 1996/12/00 First Use In Commerce: 1996/12/00 Providing online chat room for transmission of messages among computer users for the purpose of users meeting other users to encourage dating and to develop relationships</p> <p>Class 041. First use: First Use: 2003/07/00 First Use In Commerce: 2003/07/00 Providing online magazines featuring articles and information relating to dating, sexuality and relationships</p> <p>Class 045. First use: First Use: 2003/07/00 First Use In Commerce: 2003/07/00 Dating services, namely, providing personal profiles, photographs, event listings, and related dating services via the Internet and electronic mail</p>

U.S. Registration No.	3086514	Application Date	07/22/2004
Registration Date	04/25/2006	Foreign Priority Date	NONE
Word Mark	AFF		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 2005/12/15 First Use In Commerce: 2005/12/15 Providing on-line chat room for transmission of messages among computer users for the purpose of users meeting other users to encourage dating and to develop relationships</p> <p>Class 041. First use: First Use: 2005/12/15 First Use In Commerce: 2005/12/15 Providing online magazines featuring articles and information relating to dating relationships</p> <p>Class 045. First use: First Use: 2005/12/15 First Use In Commerce: 2005/12/15 Dating services, namely, providing personal profiles, event listings, and related dating services via the Internet and electronic mail</p>		

U.S. Registration No.	2962192	Application Date	09/15/2003
Registration Date	06/14/2005	Foreign Priority Date	NONE
Word Mark	FRIENDFINDER		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 1996/07/27 First Use In Commerce: 1996/07/27 Providing on-line chat room for transmission of messages among computer</p>		

	<p>users of the purpose of users meeting other users to encourage dating and to develop relationships</p> <p>Class 045. First use: First Use: 1991/06/20 First Use In Commerce: 1991/06/20</p> <p>Dating services, namely, providing personal profiles, event listings, and related dating services including providing information relating to dating and relationships via the Internet and electronic mail</p>
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Attachments	<p>78455300#TMSN.jpeg ( 1 page )( bytes )</p> <p>VariousNotice.pdf ( 7 pages )(718797 bytes )</p>
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michelle M. Graham/
Name	Michelle M. Graham
Date	10/12/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/477,308  
For the mark: MAAF MYASIANADULTFRIEND.COM & Design  
Filed: May 17, 2008  
Published: April 14, 2009

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VARIOUS, INC.,	:	
	:	Opposition No.
Opposer,	:	
	:	
	:	<b><u>NOTICE OF OPPOSITION</u></b>
v.	:	
	:	
FIDFAD LLC,	:	
	:	
	:	
Applicant.	:	
-----X	:	

**VARIOUS, INC.** ("Opposer"), a corporation organized and existing under the laws of California with a principal place of business at 220 Humboldt Ct., Sunnyvale, California 94089, believes that it will be damaged by the issuance of registration for the trademark shown in Application Serial No. 77/477,308 and hereby opposes the same.

As grounds for its opposition, Opposer alleges as follows, with knowledge concerning its own acts, and on information and belief as to all other matters:

1. Opposer is now providing and for many years past has provided, among other goods and services, online dating and social networking services for adults over the age of 18.
2. Long prior to the filing date of the application herein opposed, Opposer and its predecessors-in-interest have adopted, used and are using the mark FRIENDFINDER for online dating and social networking services and related goods and services (the "FRIENDFINDER Mark") provided through a network of 300+ domain names that lead to websites owned by

Opposer. Some of Opposer's marks and domain names are targeted to different geographic areas and ethnic groups, such as the mark ASIAFRIENDFINDER, and the domain names [www.asiafriendfinder.com](http://www.asiafriendfinder.com), [www.frenchfriendfinder.com](http://www.frenchfriendfinder.com) and [www.germanfriendfinder.com](http://www.germanfriendfinder.com).

3. Long prior to the filing date of the application herein opposed, Opposer and its predecessors-in-interest have adopted, used and are using the mark ADULTFRIENDFINDER for online dating and social networking services and related goods and services (the "ADULTFRIENDFINDER Mark") provided through the domains [www.adultfriendfinder.com](http://www.adultfriendfinder.com), [www.adultfriendfinders.com](http://www.adultfriendfinders.com), [www.adultfriendfinders.net](http://www.adultfriendfinders.net), and others that lead to websites owned by Opposer.

4. Long prior to the filing date of the application herein opposed, Opposer and its predecessors-in-interest have adopted, used and are using the mark ASIAFRIENDFINDER for online dating and social networking services and related goods and services (the "ASIAFRIENDFINDER Mark") provided through the domains [www.asiafriendfinder.com](http://www.asiafriendfinder.com), [www.asiafriendfinders.com](http://www.asiafriendfinders.com), [www.asianfriendfinder.com](http://www.asianfriendfinder.com), and others that lead to websites owned by Opposer.

5. Opposer owns common law trademark rights throughout the United States for a family of FRIENDFINDER Marks, including but not limited to the FRIENDFINDER, ADULTFRIENDFINDER and ASIAFRIENDFINDER Marks (the "FRIENDFINDER Marks") by virtue of Opposer's continuous use of those marks on and in connection with online dating and social networking services and related goods and services, such as online magazine and chat-room services.

6. Opposer prominently displays its FRIENDFINDER Marks on its websites and in the domain names for its sites as well as in promotional and advertising materials, including key words.

7. The FRIENDFINDER Marks have come to be and are famous and favorably known, and of great value to Opposer, and in the mind of the trade and public, identify Opposer's goods and services and distinguish them from the goods and services of others.

8. In addition to the common law rights it has developed through use of the FRIENDFINDER Marks, Opposer is the owner, in the United States Patent and Trademark Office, of the following registrations:

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
<b>ADULTFRIENDFINDER</b>	Reg. No. 2,937,798	September 15, 2003  April 5, 2005	Class 38: Providing online chat room for transmission of messages among computer users for the purpose of users meeting other users to encourage dating and to develop relationships;
			Class 41: Providing online magazines featuring articles and information relating to dating, sexuality and relationships; and  Class 45: Dating services, namely providing personal profiles, photographs, event listings, and related dating services via the Internet and electronic mail.
<b>AFF</b>	Reg. No. 3,086,514	July 22, 2004  April 25, 2006	Class 38: Providing on-line chat room for transmission of messages among computer users for the purpose of users meeting other users to encourage dating and to develop relationships;
			Class 41: Providing online magazines featuring articles and information relating to dating relationships; and  Class 45: Dating services, namely, providing personal profiles, event

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
			listings and related dating services via the Internet and electronic mail.
<b>FRIENDFINDER</b>	Reg. No. 2,962,192	September 15, 2003  June 14, 2005	Class 38: Providing on-line chat room for transmission of messages among computer users of the purpose of users meeting other users to encourage dating and to develop relationships; and  Class 45: Dating services, namely, providing personal profiles, event listings, and related dating services including providing information relating to dating and relationships via the Internet and electronic mail.

Registration Nos. 2,937,798, 3,086,514 and 2,962,192 are valid and subsisting and in full force and effect.

9. Notwithstanding Opposer's prior rights in and to its FRIENDFINDER Marks, on May 17, 2008, applicant Fidfad LLC ("Applicant") filed Application Serial No. 77/477,308 under Section 1(b) of the Lanham Act for the mark MAAF MYASIANADULTFRIEND.COM & Design (the "MAAF MYASIANADULTFRIEND.COM Mark") for "On-line social networking services" in International Class 45. MAAF is simply an abbreviation of the words "My Asian Adult Friend."

10. Consumers familiar with the online social networking services long associated with Opposer's FRIENDFINDER Marks, particularly its ADULTFRIENDFINDER Mark and ASIAFRIENDFINDER Mark, are likely to assume that the identical services offered under Applicant's MAAF MYASIANADULTFRIEND.COM Mark originate from, are sponsored by or are otherwise approved by Opposer.

11. Applicant's use of its MAAF MYASIANADULTFRIEND.COM Mark is likely to cause confusion, mistake or deception in the minds of consumers as to the origin or source of Applicant's services in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Opposer and the public.

12. Opposer has priority as it began using its FRIENDFINDER Marks for many years prior to the filing date of Applicant's application.

13. If Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to the use of Applicant's MAAF MYASIANADULTFRIEND.COM Mark. Such registration would be a source of damage and injury to Opposer.

**WHEREFORE**, Opposer requests that this opposition be sustained and that the registration of Application Serial No. 77/477,308 be denied.

The opposition fee in the amount of \$300.00 for an opposition to one application filed in a single class is filed herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' Deposit Account No. 11-0860 be charged with any deficiency. This paper is filed electronically.

Dated: October 12, 2009

Respectfully Submitted,

KILPATRICK STOCKTON LLP

By: 

Lisa Pearson

Michelle M. Graham

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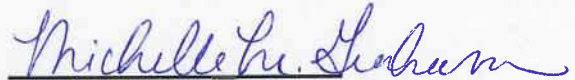
Facsimile: (212) 775-8800

*Attorneys for Opposer Various, Inc.*



**CERTIFICATE OF TRANSMITTAL**

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, October 12, 2009.



Michelle M. Graham

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Robert Kelly, Esq.  
The AVAD Group  
P.O. Box 4442  
Chesterfield, MO 63006-4442

This the 12th day of October, 2009.

  
Michelle M. Graham